DEPARTMENT OF STATE

Washington, D.C. 20520

FOI CASE NO. 7902932

Professor Joan Mellen
25 Elm Ridge Road
Pennington, NJ 08534

Dear Professor Mellen:

I refer to your letter of September 19, 1979, requesting the release of certain Department of State documents under the Freedom of Information Act (Title 5 USC Section 552).

A search of files under the Department's control has resulted in the retrieval of seven volumes or folders (Nos. 44-50, otherwise labeled part No. 8) of the diaries of the late Ambassador David K. E. Bruce covering the period from January 11, 1966, to September 30, 1967. After careful review, we have determined that these volumes can be released subject to 58 excisions.

All the excised material has been determined to be properly exempt from release under Paragraph (b) (1) of Section 552 as currently and properly classified under Executive Order 12065 and authorized by that Order to remain protected in the interest of national defense or foreign policy.

With respect to material denied or excised, you have the right to appeal this determination within 60 days. Appeals should be addressed to the Assistant Secretary for Public Affairs, Department of State, Washington, D.C. 20520. A letter of appeal should refer to the Freedom of Information case number shown above.

Sincerely,

Scott Gerson

for John R. Burke
Deputy Assistant Secretary
Classification/Declassification Center
Bureau of Administration

APPEALS OF DENIAL OF ACCESS

(a) Review of an initial denial of access to a record under the Freedom of Information Act (5 USC 552), the Privacy Act of 1974 (5 USC 552a), or Executive Order 12065 may be requested by the individual who submitted the initial request for access. The review (hereinafter referred to as the appeal) must be in writing and should be sent certified mail to the Assistant Secretary for Public Affairs, Chairman, Appeals Review Panels, Department of State, 2201 C Street, N.W., Washington, D.C. 20520. The appeal should be received within 60 days of the date of the Department's refusal to grant access to a record in whole or in part.

(b) The time for decision on the appeal begins on the date the appeal is received by the Chairman, Appeals Review Panels. The appeal of a denial of access to records shall include any documentation, information and statements to support the individual's request for access and to refute the use of the exemption(s) cited in the Department's justification concerning the denial of access.

(c) The Chairman of the Appeals Review Panel or his designee and at least two other members of Panels designated by him shall constitute a panel to consider and decide the appeal; there shall be a written record of the reasons for the final determination. The final determination will be made within 30 days (excluding Saturdays, Sundays, and legal public holidays), unless for good cause shown, the Chairman of the Appeals Review Panels extends such determination beyond the 30 day period.

(d) When the final determination is to grant access to the record in accordance with the individual's request, the Chairman of the Appeals Review Panel shall inform the office responsible for the record of its decision. The Chairman shall then request the Information and Privacy Coordinator to notify the individual in writing of the Panel's decision to grant access and at the same time to inform the individual of the Department's regulations concerning access. The individual shall choose the means of access most convenient to her or him.

(e) When the final decision of the Panel is to refuse to grant an individual access to a record, the Chairman of the Panel shall advise the individual in writing:

(1) of the refusal to grant the appeal and the reasons therefor including the exemptions of the Freedom of Information Act, the Privacy Act of 1974, and Executive Order 12065 under which access is denied;

(2) of her of of his right to seek judicial review of the Department's decision.

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me to see the President if I am to present his views to the PM soon after my return to London. Therefore, I tried to establish an appointment through Bill Moyers, Jack Valenti, and Harry McPherson at the White House. Francis Bator called me from Bundy's office, and promised to help in this worthy endeavor.

I believe it necessary for me to know whether the President is seriously intent upon the hardware as an instrument of negotiation, and whether he will not permit the U.S. to sign a non-proliferation agreement if it excludes Germany from participation in a nuclear collectivity.

Perhaps it would be well to postpone my proposed conversation with the PM. I have to come back to Washington about January 25, in connection with the Defence Review talks with Michael Stewart and Denis Healey. By that time, our Governmental position on nuclear sharing may have been clarified.

I loaned Clem Conger, for the 8th floor State reception rooms, my Bass Otis portrait of Thomas Jefferson, bought in New York during the twenties from the great furniture dealer Burlingham; it has been at Staunton Hill for the past thirty years.

Marian Leiter dined with me tonight on terrapin at the Metropolitan. She dashed off early to the Capitol, to hear President Johnson deliver his State of the Union message. I viewed it in relaxed fashion, on television in the barroom of the Club. I thought it impressive, its reasoning on our Vietnam commitments

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Mac accompanied me to the President's office. LBJ seemed in exuberant health, spare, erect, bronzed. We started immediately on nuclear sharing. He made a concise review of its history, going back to the early days of MLF. He said he realized the difficulty of agreeing on a collectivity to possess nuclear hardware, but thought this was probably the best way to meet German demands.

We settled on my brief instructions, namely to tell the PM that due to the pressure of other business, Rusk's absence in India, etc., it was not feasible to brief me now. This would be done after my return to Washington in ten days, and the results communicated to Wilson in early February. The President will repeat to me next week, for transmittal to Wilson, his decision on the tie between non-proliferation and nuclear sharing [redacted]

He told Bundy to talk to Rusk and McNamara, and for them to prepare a recommendation to him.

Bundy repeated his position of opposition to a collectivity having hardware.

I said I believed the matter was too important to sink again to bureaucratic levels. Wilson would only be influenced by the President. Left to themselves the British and Germans would get nowhere.

He asked me if I were personally a hardware proponent. I said I was, since I envisaged no other way to give the Germans a quasi parity in this field with the British, unless the British would relinquish entirely their independent nuclear deterrent, which they have shown no inclination to do. I thought, however, it would be difficult to bring the British along to take Erhard's proposal; Wilson was under no domestic political pressure to do so -- indeed the contrary was true.

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Therefore, the President, if he wished to conclude the matter along these lines, would have to persuade and arm twist the PM.

Finally, I said I felt we must establish a definite US policy and stick to it. Past wavering, and contentions on the subject, within our own Government, had created confusion everywhere. Only a definite statement by the President himself would now be credible. If, after further review, he decided on a no hardware solution, then we must proceed consistently toward that, but we could not afford ambivalence.

He asked me what my own opinion was of the strength of German desire for nuclear sharing as suggested by Erhard. I answered that my judgment on this was valueless, since I had been away from Germany a long time.

Referring earlier to Bundy's argument about having German participation referred to the Select Committee, I voiced disapproval, since the Committee consisted of too many members; this was a matter to be settled in the first instance between the US, UK, and FRG. Moreover, the Committee had not been established for such a political purpose, and was not an appropriate forum.

Both with the British and Germans, I thought the President could probably carry whatever policy he insisted upon in this area, if he were absolutely determined.

After much photography, I left.

Lunched with George Ball at a bistro to which he has taken a fancy. Delicious moules marinieres, as good as anything in Paris; that is not remarkable since the assiduous proprietor is a Frenchman. George should have been exhausted; in Rusk's absence, he has testified for two days before the House Foreign Affairs